



Jennine DiSomma
973.645.4803
jdisomma@saiber.com

April 30, 2019

VIA ECF

Honorable Douglas R. Arpert
United States Magistrate Judge
Clarkson S. Fisher Federal Bldg.
& U.S. Courthouse
402 E. State Street, Room 6000
Trenton, NJ 08608

Re: *Lawson, et al. v. Praxair, Inc., et al.*
Civil Action No. 3:16-cv-02435-BRM-DEA

Dear Judge Arpert:

We represent Third Party Defendant, University Medical Center of Princeton at Plainsboro ("UMCPP") in the above captioned matter, and write in response to (i) Your Honor's April 15, 2019 Order regarding the appointment of a Special Master, and (ii) the letter submitted by Jeremy Mishkin of Montgomery McCracken, counsel for the Praxair Defendants.

UMCPP agrees with the provisions in Your Honor's April 15, 2019 Order appointing a Special Master as well as Praxair's suggestion in its letter dated April 30, 2019 that the Special Master's duties are to resolve only the issues outlined in the Parties' April 5, 2019 joint status report, which are the currently pending discovery disputes and any discovery issues that may arise going forward.

We also do not disagree with Praxair's position regarding *ex parte* communications or that the Special Master preserve all written communications and prepare a written report, as necessary, addressing the discovery disputes presented to him.

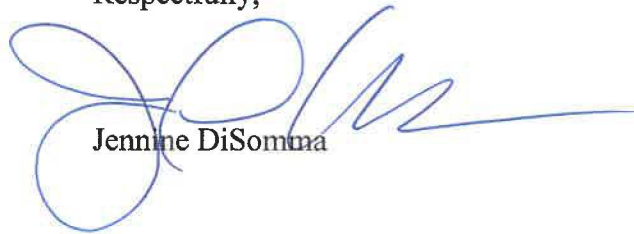
However, we disagree that the Special Master be compensated by splitting the charges among the parties equally. UMCPP will be prejudiced and burdened with excessive fees if it is required to pay fees for discovery disputes between Plaintiffs and Praxair/Western for issues that do not pertain to the Third Party Complaint. Moreover, as provided in your Honor's April 15 Order, we believe that the non-prevailing party in any discovery dispute should be responsible

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for the Special Master's fees absent extenuating circumstances, as determined by the Special Master, that it would be equitable to allocate some portion of his fees to the prevailing party. We believe this provision will deter a party from seeking to utilize the Special Master's services unless the discovery dispute is critical to that party's claim or defense.

We thank the Court for its assistance.

Respectfully,



Jennine DiSomma

JD/sr

c: All counsel of record (via ECF)